

AGENDA OF: <u>06/01/04</u> DEPT. OF ORIGIN: <u>DEVELOPMENT SVCS.</u> REQ. NO. <u>VI A</u>	
DATE SUBMITTED: <u>05/21/04</u>	
PREPARED BY: <u>SABINE A. SOMERS-KUENZEL, AICP, CITY PLANNER</u> <i>SK</i>	
SUBJECT: FIRST PUBLIC HEARING: ANNEXATION OF ONE TRACT OF LAND CONTAINING A TOTAL OF APPROXIMATELY 39.78 ACRES LOCATED CONTIGUOUS WITH AND NORTH OF ALSTON ROAD AT THE CORPORATE LIMITS OF THE CITY OF SUGAR LAND, TEXAS	
PROCEEDING: PUBLIC HEARING	
EXHIBITS: APPROVED RESOLUTION NO. 04-11 WITH ATTACHED EXHIBIT A; ANNEXATION PETITION; VICINITY MAP; DRAFT OF SERVICE PLAN	
CLEARANCES: JIM CALLAWAY, DEVELOPMENT SERVICES DIRECTOR <i>Jim Callaway</i> PAUL A. HOFMANN, ASSISTANT CITY MANAGER <i>PH</i>	
APPROVED FOR SUBMITTAL: CITY MANAGER <i>Allen Bogan</i>	
EXPENDITURE REQUIRED: <u>\$ n/a</u>	
AMOUNT BUDGETED: <u>\$ n/a</u>	
APPROPRIATION REQUIRED: <u>\$ n/a</u>	

This is the first Public Hearing in a series of two, as required by state law, for the proposed annexation of approximately 39 acres (21.4 acres of land in one tract, and 18.38 acres in two adjoining tracts) located contiguous and generally north of the corporate limits of Sugar Land, on the north side of Alston Road. The properties are currently undeveloped and vacant, with the exception of a residence and landscaping business on the east tract. The owner of the 21.4 acre tract submitted a petition for annexation into the corporate limits of the City of Sugar Land on March 4, 2004.

Resolution No. 04-11 was passed at the City Council Meeting of May 4, 2004. The Resolution accepted the 21.4 acre property owner's petition for annexation, and directed the Development Services Department to prepare an Annexation Service Plan for the 21.4 acre tract, and two adjoining tracts consisting of 18.38 acres. The total property consists of approximately 39.9 acres. A second Public Hearing will be proposed for June 15, 2004. In addition, a letter regarding the proposed annexation was sent to the Fort Bend Independent School District, per State Law.

On January 21, 2004, Mr. Paul Philbin, Attny, requested the City's consent for the Burney Road Municipal Utility District to annex the subject 21.4 acres into its MUD. City Staff recommended that the property owner request annexation into the City Limits to allow pending development to occur consistently with the existing in-City development in the area. On May 4, 2004, the City Council approved Resolution No. 04-12 that gave City consent for 21 acres of the property to be annexed into the Burney Road MUD, with the condition that annexation into the corporate limits of Sugar Land City be required.

The property is being prepared for development as a single family development in an area where new single family is developing within the City Limits. Upon annexation, the property would be placed in the Temporary R-1 category, with permanent R-1 the likely zoning district in the future.

PUBLIC HEARING:

The Notice of First Public Hearing was published in a newspaper of general circulation, all property owners within the Annexation Area were notified, and the public hearing notice was published on the City of Sugar Land's Internet home page. In addition, a sign was placed on the property indicating that a Public Hearing was scheduled regarding the site. Staff has received one informational inquiry regarding this request at the time of the writing of this report.

RECOMMENDED ACTION:

Staff recommends City Council hold a First Public Hearing in accordance with State Law, and Council Resolution No. 04-11 regarding the proposed annexation of approximately 39 acres into the corporate limits of the City of Sugar Land.

Cc: Paul Schumann; Provident Engineering paul@providentengineers.com
Paul Philbin; Paul Philbin and Associates, PC

RESOLUTION NO. 04-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, DIRECTING THE DEVELOPMENT SERVICES DEPARTMENT TO PREPARE A SERVICE PLAN FOR THE PROPOSED ANNEXATION OF APPROXIMATELY 39.9 ACRES OF LAND LOCATED CONTIGUOUS WITH AND NORTH OF ALSTON ROAD AT THE CORPORATE LIMITS OF THE CITY OF SUGAR LAND, TEXAS, AS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City Council has received a property owner's petition requesting that the City annex approximately 21.46 acres of land located contiguous with and north of Alston Road at the corporate limits of the City of Sugar Land; and

WHEREAS, the City Council also intends to annex two additional strips of land equaling approximately 18.38 acres adjoining that tract; and

WHEREAS, prior to holding public hearings on the proposed annexation, the Texas Local Government Code requires the City Council to direct the appropriate municipal department to prepare a service plan for the property; NOW, THEREFORE;

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the City Council of the City of Sugar Land, Texas, accepts the property owner's petition requesting annexation of approximately 21.46 acres of land into the City of Sugar Land, Texas.

Section 2. That the Development Services Department is directed to initiate the annexation process for the adjoining tracts that total 18.38 acres.

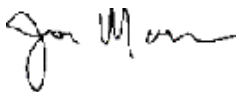
Section 3. That the Development Services Department is directed to prepare a service plan for the proposed annexation of approximately 39.9 acres of real property as shown in Exhibit A, attached to and incorporated into this resolution by reference.

PASSED and APPROVED on _____, 2004.

David G. Wallace, Mayor

ATTEST:

Reviewed for Legal Compliance:



Glenda Gundermann, City Secretary

APPROVED BY CITY COUNCIL ON MAY 4, 2004

Exhibit A – Property Description

All of the property described as follows and depicted on the attached vicinity map:

A 1.6650 acre drainage easement Vol. 997, Pg. 476 F.B.C.D.R.

2.936 acres F.B.C.C.F. No. 1999014363

6.32 acres F.B.C.C.F. No. 9310695

21.467 acres out of a 39.7 acre tract Vol. 778, Pg. 772 F.B.C.D.R.

2.0 acres Vol. 433 Pg. 803 Deed of Trust Records

Residue of 5.0 acre Save & Except Vol. 778, Pg. 772 F.B.C.D.R. & Vol. 357, Pg. 184, Deed of Trust Records

0.5 acres Vol. 767, Pg. 828 F.B.C.D.R.

**Petition for Annexation of Property into the Corporate Limits of the
City of Sugar Land, Texas**

Texas Investment and Development Company ("Petitioner") represents that it is the owner of that certain tract of land containing 21 acres, more or less, (the "Tract") located within the extraterritorial jurisdiction of the City of Sugar Land, Texas (the "City")

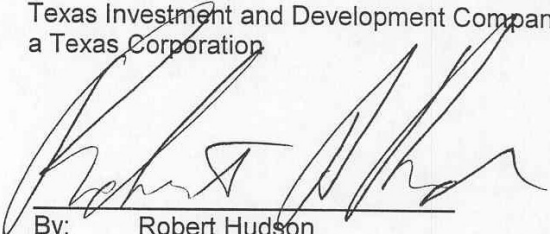
Petitioner hereby petitions the City to annex the entire Tract into its corporate limits for all purposes. A description of this land is attached hereto as Exhibit "A" and made a part hereof, save and except that portion of the Tract contained in the City of Sugar Land Ordinance No. 735-A which extends the corporate limits of the City of Sugar Land to include a portion of the Tract.

It is the intent of the Petitioner that this annexation occurs in accordance with subchapter C-1 of Chapter C 43 of the Texas Local Government Code, titled Annexing Procedure for Areas Exempted from Municipal Annexation Plan, having fallen under the exception stated in Sec. 43.052(h), Texas Local Government Code for annexation in accordance with an annexation plan.

Petitioner hereby certifies that there are currently no residents of voting age residing on the Tract.

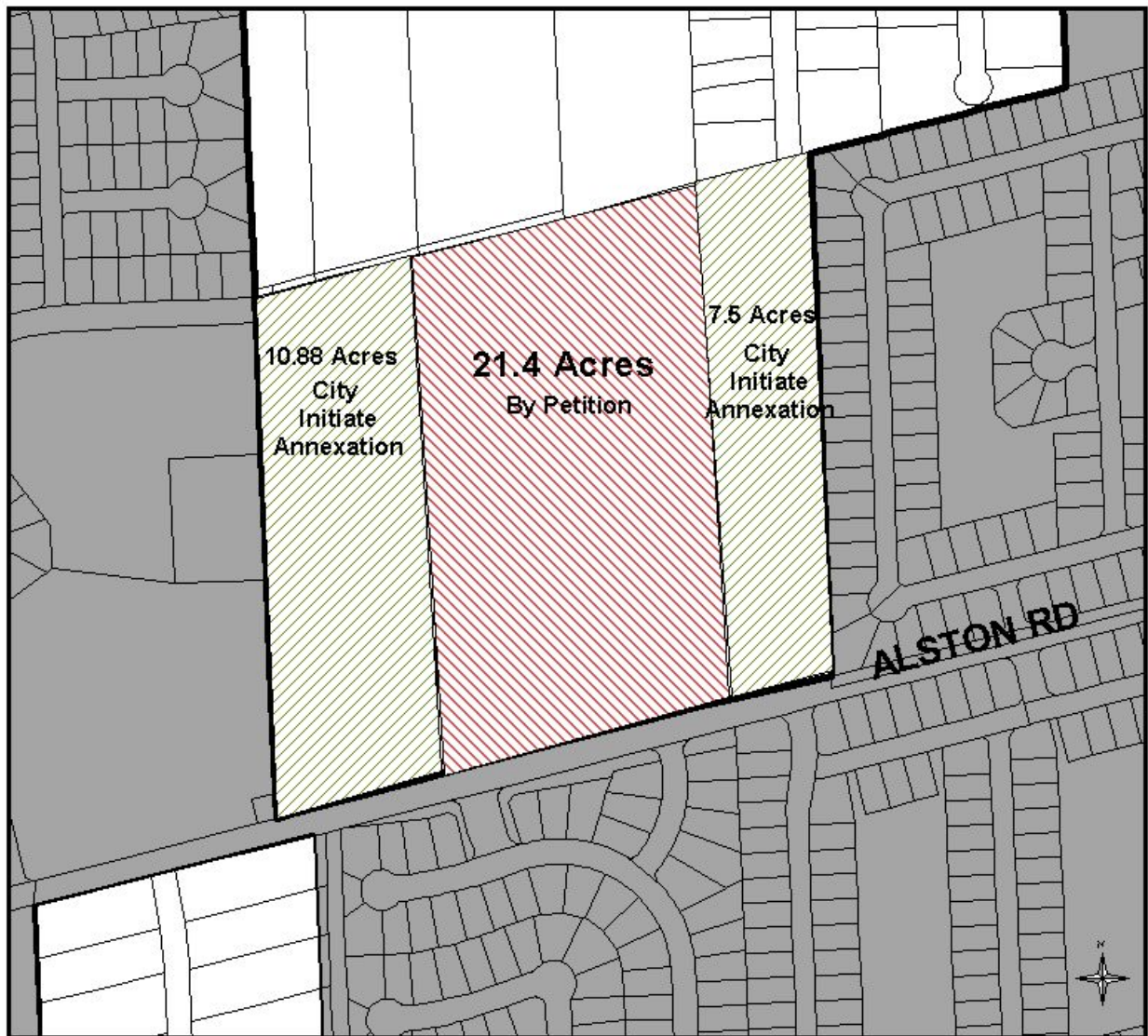
Executed this 6th day of February, 2004.

Texas Investment and Development Company
a Texas Corporation


By: Robert Hudson
President

Vicinity Map

**Annexation of Approximately 39.9 Acres
on Alston Road**



**General Location: ETJ
Northwest of Dairy Ashford Rd
and Alston Rd Intersection.**

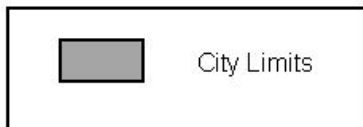


EXHIBIT B
DRAFT SERVICE PLAN

FOR
SUBCHAPTER C-1 ANNEXATION

39.78 ACRES, WEST OF ALSTON ROAD NEAR DAIRY ASHFORD

I. INTRODUCTION.

This Service Plan is made by the City of Sugar Land, Texas pursuant to Section 43.065 of the Texas Local Government Code. This Plan addresses the City's proposed annexation of an area of approximately 39.78 acres, located along the north side of Alston Road near Dairy Ashford.

II. DEFINITIONS.

City means the City of Sugar Land, Texas.

Plan means this Service Plan.

Property means the real property proposed to be annexed as described in this Plan.

Standard policies and procedures means those laws, ordinances, policies and procedures of the City applicable to a particular service in the City which are in effect either at the time that the service is requested or at the time that the service is made available or provided.

III. SERVICE PROGRAMS.

A. In General. This Plan includes the Operations and Maintenance Program and a Capital Improvement Program, described below.

B. Scope and Quality of Services. Services under this Plan shall equal or exceed the number of services and the level of services in existence in the Property immediately preceding annexation or which are otherwise available in other areas of the City with land uses similar to those reasonably contemplated or projected in the Property. However, it is not the intent of this Plan to require that uniform level of service be provided to all areas of the City (including the Property) where differing characteristics of topography, land utilization are considered as a sufficient basis for providing differing service levels.

C. Operations and Maintenance Program.

1. **Statutory Services.** The statutory services will be provided to the Property upon the effective date of annexation, except as otherwise indicated. The statutory services are as follows:

- a. **Police Protection.** Upon annexation, the Sugar Land Police Department will provide police protection to the Property with services comparable to similar property in the remainder of the City. The protection includes, but is not limited to, police patrols, response to calls for police service, traffic enforcement and crime prevention community education.
- b. **Fire Protection.** Upon annexation, the Sugar Land Fire Department will provide fire suppression, emergency medical first response with basic life support, rescue, fire prevention, code enforcement and investigation. Staffing and equipment will be deployed in response to the nature of the incident in accordance with standard policies and procedures. When necessary, additional equipment and staffing may be dispatched from neighboring jurisdictions pursuant to existing mutual aid agreements.
- c. **Solid Waste Collection.** Upon annexation, residential solid waste collection services will be provided to the area by the City of Sugar Land. The City will provide solid waste collection services through Browning Ferris Waste Systems (BFI) consistent with solid waste collection services provided throughout the City.
- d. **Maintenance of Water and Wastewater Facilities.** City of Sugar Land public water and wastewater facilities exist in and adjacent to the area. Water and wastewater services will be available upon annexation.

Water distribution and wastewater collection facilities necessary for land development may be provided through Special Districts created pursuant to Article 16, Section 59, of the Texas Constitution (including, but not limited to Municipal Utility Districts and Water Control and Improvement Districts). Creation of any District or annexation of the area into an existing District is subject to consent of the Sugar Land City Council.

- e. **Maintenance of Roads and Streets (including lighting).** There are currently no public roads and streets within the area. Upon development of the property, local streets and collectors will be installed by the developer. Following annexation, construction, and City acceptance, all public road maintenance will be provided by the City of Sugar Land.
- f. **Maintenance of Parks, Playgrounds and Swimming Pools.** There are no parks, playgrounds, swimming pools or other recreational facilities on the site. Any public parks, playgrounds, swimming pools or other recreational facilities that are constructed in the area after annexation will be maintained by the City of Sugar Land.
- g. **Maintenance of Any Other Publicly-owned Facility, Building or Service.** No other publicly-owned facility, building or service exists within the area.
- h. **Enforcement of City Ordinances.** Upon annexation code enforcement services will be provided to the area by the City of Sugar Land.

2. **Additional Services.** Certain services, in addition to the statutory services, will be provided within the Property to the same extent they are provided to similar territories elsewhere in the City. These are as follows:

- a. Health services, in accordance with standard policies and procedures.
- b. Mosquito control shall be provided as elsewhere in the City.

3. **Capital Improvement Program.** The City of Sugar Land Thoroughfare Plan shows a future collector system through the area. The collector will be provided upon development of the property, and the City may make connections to the collectors in the future.

IV. TERM: EFFECTIVE DATE.

This Plan shall be in effect for a term of ten (10) years commencing on the effective date of the annexation of the Property. Renewal of this Plan shall be at the option of the City.

V. ENTIRE PLAN.

This document contains the entire and integrated service plan relating to the Property and supersedes all other negotiations, representations, plans, and agreements whether written or oral.